

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN B. JOHNSON,

Plaintiff,

v.

WOODLAND PUBLIC DEFENDERS
OFFICE - YOLO COUNTY, et al.,

Defendants.

No. 2:22-cv-01325-DJC-DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 5, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within 21 days. Plaintiff has not filed objections to the findings and recommendations.

The Court has reviewed the file, and finds that the Magistrate Judge's conclusion that the action should be dismissed to be correct. However, the Court notes that only two of the three state court criminal cases in which Plaintiff alleges he was provided inadequate representation appear to be barred by *Younger v. Harris*,

1 401 U.S. 37 (1971). As Judge Barnes noted, however, the Woodland Public
2 Defender's Office is immune from suit under section 1983, and the claims against the
3 Public Defender's Office must be dismissed for that reason. See *Polk County v.*
4 *Dodson*, 454 U.S. 312, 317-325 (1981). Moreover, since any amendment would be
5 unable to cure the procedural bar against bringing a section 1983 action against a
6 non-state actor, granting leave to amend would be futile. Plaintiff has also failed to
7 state any grounds for his claim against the Monroe Detention Center under section
8 1983.

9 While Plaintiff is entitled to bring a habeas corpus action under *Strickland* at the
10 appropriate time, the section 1983 claims presented here must be dismissed.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendations filed April 5, 2023, are adopted in part.
- 13 2. This action is dismissed with prejudice.
- 14 3. The Clerk of the Court is directed to close this case.

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17 IT IS SO ORDERED.

18 Dated: August 4, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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